

## **REMARKS**

Applicants are in receipt of the Office Action mailed April 7, 2004. Claims 1-48 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 102(e) Rejection:**

The Office Action rejected claims 15-16, 18-24, 39-40 and 42-48 under 35 U.S.C. § 102(e) as being anticipated by Roberts et al. (U.S. Patent 6,560,633) (hereinafter "Roberts"). Applicants assert that pending claims 15-16, 18-24, 39-40 and 42-48 are not anticipated by Roberts.

The Roberts reference pertains to a method for creating web services. According to Roberts, instead of hand coding a web service, a template may be created that provides XML definitions (runtime model) of a web service application. The code for the web service application can be generated from the template at runtime. *See, e.g.*, col. 2, lines 35-62.

Regarding claim 15, contrary to the Examiner's assertion, Roberts does not teach receiving a request to create a message endpoint for a client on the device to communicate with a service within the distributed computing environment. The examiner cites the following passage in Roberts:

One or more embodiments of the invention create a web services directory for a business or enterprise that contains available services for use. Interfaces are available for each service to convert requests and responses into appropriate formats for use in internet and back end system environments. Additionally, the interfaces may be utilized to define the schema of request data passed into a called service, and for defining the schema of response data passed out by a called service. (Roberts, column 4, lines 25-33).

Applicants note, however, that this passage merely describes the creation of a web services directory from which interfaces are available to web services for converting requests and responses into different formats. The interfaces are also used to define a schema of request data passed into a called service, and for defining the schema of response data passed out by a called service. Roberts does not mention what types of requests are converted, nor who or what sends and receives such requests. Roberts does not teach a request to create a message endpoint for a client to communicate with a service, or for any other purpose. Applicants can find no mention in the Examiner's cited passage or elsewhere in Roberts referring to a request for creating a message endpoint for a client on a device to communicate with a service within a distributed computing environment.

Further regarding claim 15, contrary to the Examiner's assertion, Roberts also fails to teach obtaining a service advertisement for said service, wherein said service advertisement specifies a message schema defining messages for accessing said service. The Examiner has cited a passage (Roberts, column 4, lines 12-50) that, in addition to including the passage quoted above, also describes a web services architecture, comprised of a web services directory and a web services engine, that maintains metadata about web services and provides "access control, organization, interface definition, management, and operation of web services." The web services architecture also serves as a central location from which all information about web services may be obtained and from which web services can be run. Roberts does say that the web services engine handles web service requests.

However, Applicants can find no relevance in the Examiner's cited passage to obtaining a service advertisement for a service, wherein the service advertisement specifies a message schema defining messages for accessing the service. A careful reading of Roberts does not reveal any teaching of obtaining a service advertisement for a service, wherein the service advertisement specifies a message schema defining messages for accessing said service. While Roberts does teach that a schema may be used to identify data types (column 4, lines 12-20, column 6, line 66 - column 7, line 2), Roberts

fails to teach a message schema defining messages for accessing a service. Note that using a schema to identify data types, as taught in Roberts, does not at all teach or suggest a message schema defining messages for accessing a service.

Additionally, contrary to the Examiner's assertion in regard to claim 15, Roberts also fails to teach constructing said message endpoint to communicate messages with said service address, wherein said message endpoint comprises computer executable code and wherein at least part of said message endpoint is constructed by using preexisting message endpoint code stored by the device. Applicants can find no teaching anywhere in Roberts regarding the construction of a message endpoint. The passage of Roberts cited by the Examiner has no relevance to the construction of a message endpoint. In contrast, Roberts teaches that the web services engine handles requests (Robert, column 4, lines 46-50, column 5, lines 9-21) but Robert's web services engine is clearly not a message endpoint and Roberts does not teach the construction of the web services engine. In contrast, the web services engine executes multiple web services in the context of a single session. (Roberts, column 4, lines 51-53).

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Roberts clearly does not anticipate Applicants' invention as recited in claim 15.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 15 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 15 apply to claim 39.

Regarding claim 16, Applicants disagree with the Examiner and assert that Roberts fails to teach wherein said constructing comprises linking said service address to

said preexisting message endpoint code. The examiner has cited column 6, lines 38-65 of Roberts. Applicants note, however, that the cited passage discusses how a Web Services Application (WSA) handles received requests. Specifically, a WSA receives both internal and external requests. Requests include a model handle ID and identify a requested action. Applicants can find no mention in the Examiner's cited passage or anywhere in Roberts, of linking a service address to preexisting message endpoint code. As described above, regarding claim 15, Roberts fails to teach a message endpoint constructed by using preexisting message endpoint code. Roberts clearly also fails to teach wherein said constructing comprises linking a service address to preexisting message endpoint code.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 16 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 16 apply to claim 40.

Regarding claim 18, Roberts clearly fails to teach wherein said preexisting message endpoint code comprises message transport code in said device for sending messages. The Examiner again cites column 6, lines 38-65 of Roberts which does not teach anything regarding construction of message endpoints or about preexisting message endpoint code comprising message transport code in said device for sending messages, as the Examiner contends. The cited passage merely described how a WSA can receive request message includes a model handle ID and a requested action identifier. Applicants can find no teaching in Roberts regarding preexisting message endpoint code including message transport code in the device.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 18 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 18 apply to claim 42.

Regarding claim 20, Applicants submit that Roberts does not teach wherein said message transport code is part of the device's system code, as asserted by the Examiner.

Applicants can find no such teaching in Roberts. The examiner has cited column 6, lines 38-65 in support of assertion. Applicants note, however, that the cited passage does not describe message transport code that is part of a device's system code and that any such interpretation of Roberts can only be the hindsight speculation of the Examiner.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 20 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 20 apply to claim 44.

Regarding claim 21, Applicants disagree with the Examiner and assert that Roberts fails to teach maintaining a cache of message endpoint code, wherein said preexisting message endpoint code comprises message endpoint code from said cache. Applicants can find no such teaching anywhere in Roberts. The Examiner cites a passage from Roberts (column 9, lines 1-35) that describes service calls. According to Roberts, a service call "is an action that calls a web service in the web services directory" that provides representations of input and output data schemas and also placeholders for data (column 9, lines 1-5). Roberts also described how a service call might identify a web service by name or by a unique identifier. Applicants can find no relevance of Roberts service calls to maintaining a cache of message endpoint code, wherein said preexisting message endpoint code comprises message endpoint code from said cache, as asserted by the Examiner.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 21 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 21 apply to claim 45.

Regarding claim 22, Roberts clearly fails to disclose wherein said maintaining a cache comprises storing message endpoint code for a new message endpoint in said cache when said new message endpoint is originally constructed. The Examiner cites the same passage in Roberts (column 9, lines 1-35) regarding service calls as cited in support of his rejection of claim 21 above. Applicants can find no mention in the cited passage, nor

anywhere in Roberts, regarding storing message endpoint code in a cache when a new message endpoint is constructed. Applicants also fail to see how Roberts' discussion of service calls can be construed as teaching such.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 22 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 22 apply to claim 46.

Regarding claim 23, Roberts clearly fails to disclose wherein said maintaining a cache further comprises deleting least recently used message endpoint code from said cache if said cache is full when said new message endpoint is originally constructed. The Examiner cites the same passage in Roberts (column 9, lines 1-35) regarding service calls as cited in support of his rejection of claims 21 and 22 above. Applicants can find no mention in the cited passage, nor anywhere in Roberts, regarding deleting least recently used message endpoint code from said cache if said cache is full. Applicants can find no relevance of Roberts' service calls to deleting least recently used message endpoint code from said cache if said cache is full when said new message endpoint is originally constructed. Applicants further submit that any such interpretation of Roberts is based on pure hindsight speculation by the Examiner and not on any teaching of Roberts.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 23 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 23 apply to claim 47.

**Section 103(a) Rejection:**

The Office Action rejected claims 1-14, 17, 25-38 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of Wood et al. (U.S. Patent 6,609,198) (hereinafter "Wood"). Applicants respectfully traverse this rejection for at least the following reason.

The Wood patent is not prior art to the present application for rejections under 35 U.S.C. § 103. The American Inventors Protection Act of 1999 amended 35 U.S.C. § 103(c) to state that art which qualifies as prior art only under § 102(e), (f) or (g) is not available for rejections under § 103 if that art and the subject matter of the application under examination were owned by or subject to an obligation of assignment to the same assignee at the time the invention was made. This change to 35 U.S.C. § 103(c) is effective for any application filed on or after November 29, 1999. The present application is an application for patent filed after November 29, 1999. At the time the invention was made, the subject matter of present application and the Wood patent were both owned by or subject to an obligation of assignment to the same assignee, Sun Microsystems, Inc. Therefore, the amendment to 35 U.S.C. § 103(c) made by the American Inventors Protection Act of 1999 applies to the present application and operates to exclude the Wood patent as available prior art for rejections under 35 U.S.C. § 103.

Thus, Applicants respectfully request the removal of the 35 U.S.C. § 103(a) rejection of claims 1-14, 17, 25-38 and 41.

Applicants also assert that numerous ones of the claims recite further distinctions over the cited art. However, since the rejections have already been shown to be improper, a further discussion of the claims is not necessary at this time.

## CONCLUSION


Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-64400/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☐ Other:

Respectfully submitted,



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